

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT

LINO ARAUJO

PLAINTIFF

VS.

CAUSE #A2401-19-7

LA JOYA TRUCKING AND  
LUCIO AGUILERA MEDINA

DEFENDANTS

CLERK'S CERTIFICATE

On behalf of Connie Ladner, Clerk of the Circuit Court of Harrison County, Mississippi, the undersigned hereby certifies that attached hereto are true and correct copies of all process, pleadings and orders on file and of record in Cause #A2401-19-7 of the Circuit Court of Harrison, Mississippi, said Cause being styled *Lino Araujo v. La Joya Trucking and Lucio Aguilera Medina*.

THIS, the 21 day of Feb., 2019.

CONNIE LADNER, CIRCUIT CLERK

By: Dona  
DEPUTY CLERK



(SEAL)



02/21/2019 THU 12:59 FAX 2288654009 Circuit Court

0006/025

2/21/2019

Second Circuit Court District-Docket Report

**Mississippi Electronic Courts**  
**Second Circuit Court District of Mississippi (Harrison Circuit Court - Gulfport)**  
**CIVIL DOCKET FOR CASE #: 24CI1:19-cv-00007**

**Internal Use Only**

**Edit Case Data**

**Edit Case Participants**

Araujo v. La Joya Trucking et al  
Assigned to: Judge Lawrence P. Bourgeois, Jr

Date Filed: 01/10/2019  
Current Days Pending: 42  
Total Case Age: 42  
Jury Demand: Plaintiff  
Nature of Suit: 182 Negligence - Motor Vehicle

**Plaintiff**

**Lino Araujo**  
1649 St. Patriok Street  
Raceland, LA 70394

represented by **David Pitre**  
Silbert, Garon, Pitre & Friedman  
1303 Spring Street  
GULFPORT, MS 39507  
228-822-2404  
Fax: 228-822-9942  
Email: david@sgpflaw.com  
**ATTORNEY TO BE NOTICED**

















V.

**Defendant**

**La Joya Trucking**  
1661 Tulane  
Brownsville, TX 78520

**Defendant**

**Lucio Aguilera Medina**  
4106 Washmon Street  
Harlingen, TX 78552

















Date Filed	#	Docket Text
01/10/2019	   1 	COMPLAINT against La Joya Trucking, Lucio Aguilera Medina, filed by Lino Araujo. (Attachments: # 1 Civil Cover Sheet,) (Miller, Paige) (Entered: 01/10/2019)
01/10/2019	   2 	SUMMONS Issued to La Joya Trucking. RETURNED TO ATTORNEY FOR SERVICE(Miller, Paige) (Entered: 01/10/2019)
01/10/2019	   3 	SUMMONS Issued to Lucio Aguilera Medina. RETURNED TO ATTORNEY FOR SERVICE(Miller, Paige) (Entered: 01/10/2019)
01/10/2019	   4 	(Court only) Civil Case Filing Fee: \$166.00, Method of Payment: Check, Check No. 1216, Paid By: David Pitre, Receipt No. 91396,

02/21/2019 THU 12:59 FAX 2288654009 Circuit Court

007/025

2/21/2019

Second Circuit Court District-Docket Report

		Remarks: n/a. (Miller, Paige) (Entered: 01/10/2019)
01/23/2019	   5 	CLERK'S CERTIFICATE (Miller, Paige) (Entered: 01/23/2019)
02/14/2019	   6 	SUMMONS Returned Executed by Lino Araujo. <i>Re: ** 2 SUMMONS</i> Issued to La Joya Trucking. RETURNED TO ATTORNEY FOR SERVICE(Miller, Paige)** La Joya Trucking served on 2/12/2019, answer due 3/14/2019. Service type: Personal (Pitre, David) (Entered: 02/14/2019)
02/14/2019	   7 	SUMMONS Returned Executed by Lino Araujo. <i>Re: ** 3 SUMMONS</i> Issued to Lucio Aguilera Medina. RETURNED TO ATTORNEY FOR SERVICE(Miller, Paige)** Lucio Aguilera Medina served on 2/12/2019, answer due 3/14/2019. Service type: Substituted, copy left with Megan Wright (Pitre, David) (Entered: 02/14/2019)
02/14/2019	   8 	NOTICE OF SERVICE of Interrogatories Propounded to La Joya Trucking and Lucio Aguilera Medina, NOTICE OF SERVICE of Request for Production of Documents Propounded to La Joya Trucking and Lucio Aguilera Medina by Lino Araujo. (Pitre, David) (Entered: 02/14/2019)

## Select Event

Account Transaction - Circuit  
ADR Documents

Color Event

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

**LINO ARAUJO****PLAINTIFF****VERSUS****LA JOYA TRUCKING,  
LUCIO AGUILERA MEDINA****DEFENDANTS**

**FILED**  
JAN 10 2019

CAUSE #

AZ411-19-7

BY [Signature]  
CONNIE LADNER  
CIRCUIT CLERK  
D.C.

**COMPLAINT**

NOW COMES plaintiff, Lino Araujo, a person of the full age of majority, and a resident of Raceland, Louisiana, and represents as follows:

1.

Named defendants herein are:

- a. La Joya Trucking, LLC, a corporation formed in the State of Texas, with its principal office located at 8834 US Hwy 281, Brownsville, Texas; and
- b. Lucio Aguilera Medina, a person of the full age of majority and a resident of Harlingen, Texas.

2.

On or about July 30, 2016, plaintiff, Lino Araujo, was Eastbound on I-10 within the city limits of Gulfport, Mississippi when suddenly and without warning he hit an 18-wheeler tire which had been thrown from the vehicle driven by defendant, Lucio Aguilera Medina, and was spinning in the air when it came into contact with the plaintiff's vehicle.

3.

The aforesaid collision occurred through no fault of the plaintiff; rather, the collision was caused solely by the fault and negligence of the defendant, Lucio Aguilera Medina, based on the following acts and omissions:

- a. Failure to see what should have been seen;
- b. Failure to yield;
- c. Operating one's vehicle at an excessive rate of speed;
- d. Inattention;
- e. Failure to keep a proper lookout for other traffic;
- f. Failure to maintain the proper degree of control of the vehicle;
- g. Violation of applicable local, state and federal highway laws and regulations regarding the operation of motor vehicles; and
- h. Any and all other acts of negligence, recklessness and fault as will be shown at the trial of this matter.

4.

At all material times herein, and at the time of the collision which is the subject of this lawsuit, Lucio Aguilera Medina was acting within the course and scope of his employment with La Joya Trucking, LLC. Further and/or in the alternative, at the time of the aforesaid collision, Lucio Aguilera Medina was operating on an errand for, and acting as an agent of La Joya Trucking, LLC. As a result of this employment relationship and master/servant relationship La Joya Trucking, LLC is vicariously liable for the negligent acts and omissions committed by its employee, Lucio Aguilera Medina, as further described herein. Further, La Joya Trucking, LLC is independently liable for its negligent hiring, training and supervision of its driver.

5.

As a result of the aforesaid collision, plaintiff suffered injuries and losses for which plaintiff seeks all reasonable past and future damages from the defendant, including, but not limited to physical pain and suffering, past and future medical expenses, past and future disability, mental anguish and emotional distress, loss of the enjoyment of life, loss of wages and/or earning capacity, loss of use, property damage and related expenses, punitive damages to the extent allowed by law, and all other damages as may be assessed following a trial of this matter.

6.

Plaintiff is entitled to a trial by jury and respectfully requests a trial by jury on all issues raised herein.

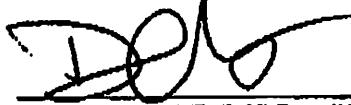
WHEREFORE, plaintiff, Lino Araujo, prays that defendants, La Joya Trucking, LLC and Lucio Aguilera Medina, be served with a copy of this Complaint and after being duly summoned to appear and answer hereto, and after the expiration of all legal delays and due proceedings are had, that there be trial by jury, individual judgment rendered herein in favor of plaintiff, and against the defendants, as alleged, together with legal interest and for all costs of these proceedings including expert witness fees to be taxed as costs of court, and for all legal and equitable relief this Honorable Court shall deem appropriate.

RESPECTFULLY SUBMITTED, this 9<sup>th</sup> day of January, 2019.

02/21/2019 THU 13:00 FAX 2288654009 Circuit Court

011/025

**SILBERT, PITRE & FRIEDMAN**



---

**DAVID PITRE (MS Bar #99388)**

**1303 Spring Street**

**Gulfport, Mississippi 39507**

**Telephone: (228) 822-2404**

**Fax: (228) 822-9942**

**Email: [david@spflawyers.com](mailto:david@spflawyers.com)**

**Attorney for Plaintiff**



02/21/2019 THU 13:01 FAX 2288654009 Circuit Court

012/025

<b>COVER SHEET</b> <b>Civil Case Filing Form</b> (To be completed by Attorney/Party Prior to Filing of Pleading)		Court Identification (County #, Judicial District, Court ID)		Case Year	Docket Number
Mississippi Supreme Court Administrative Office of Courts Form AOC/01 (Rev 2016)		<div style="border: 1px solid black; padding: 2px;"> <div style="display: flex; justify-content: space-between;"> <span>County #</span> <span>Judicial District</span> <span>Court ID</span> </div> <div style="display: flex; justify-content: space-between;"> <span>24</span> <span>10</span> <span>01</span> </div> </div>		2019	012001
This area to be completed by clerk		Month Date Year		Case Number filed prior to 1/1/94	
In the <u>CIRCUIT</u>		Court of <u>HARRISON</u>		County - <u>FIRST</u>	Judicial District
<b>Origin of Suit (Place an "X" in one box only)</b> <input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstated <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Other <input type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Appeal					
<b>Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form</b> <b>Individual</b> <u>Araujo</u> <u>Lino</u> <div style="display: flex; justify-content: space-between;"> <span>Last Name</span> <span>First Name</span> <span>Maiden Name, if applicable</span> <span>M.I.</span> <span>Jr/Sr/III/IV</span> </div> <input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Executor(rix) or Administrator(rix) of an Estate, and enter style: _____ <input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ <b>Business</b> _____ <input type="checkbox"/> Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: _____ <b>Address of Plaintiff</b> <u>1649 St. Patrick Street, Raceland, LA 70394</u> <b>Attorney (Name &amp; Address)</b> <u>David Pitre, Esq., 1303 Spring Street, Gulfport, MS 39507</u> <span style="float: right;">MS Bar No. <u>99388</u></span> <input type="checkbox"/> Check (x) if Individual Filing Initial Pleading is NOT an Attorney <b>Signature of Individual Filing:</b> _____					
<b>Defendant - Name of Defendant - Enter Additional Defendants on Separate Form</b> <b>Individual</b> _____ <div style="display: flex; justify-content: space-between;"> <span>Last Name</span> <span>First Name</span> <span>Maiden Name, if applicable</span> <span>M.I.</span> <span>Jr/Sr/III/IV</span> </div> <input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Executor(rix) or Administrator(rix) of an Estate, and enter style: _____ <input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ <b>Business</b> <u>La Jova Trucking, LLC, a Texas corporation, c/o its Registered Agent, Nicanardo Garcia, 1661 Tulane, Brownsville, TX 78520</u> <input type="checkbox"/> Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: _____ <b>Attorney (Name &amp; Address) - if Known</b> _____ <span style="float: right;">MS Bar No. _____</span>					
<input type="checkbox"/> Check (x) if child support is contemplated as an issue in this suit. *If checked, please submit completed Child Support Information Sheet with this Cover Sheet <b>Nature of Suit (Place an "X" in one box only)</b>					
<input type="checkbox"/> Domestic Relations <input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Term. of Parental Rights-Chancery <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other		<input checked="" type="checkbox"/> Business/Commercial <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other		<input type="checkbox"/> Probate <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Mental Health Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest	
<input type="checkbox"/> Appeals <input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Municipal Court <input type="checkbox"/> Other		<input type="checkbox"/> Alcohol/Drug Commitment (Involuntary) <input type="checkbox"/> Other <input checked="" type="checkbox"/> Children/Minors/Not-Domestic <input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion <input type="checkbox"/> Minor Removal of Minority <input type="checkbox"/> Other <input type="checkbox"/> Civil Rights <input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other <input type="checkbox"/> Contracts <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other <input type="checkbox"/> Statutes/Rules <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other		<input type="checkbox"/> Real Property <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other <input type="checkbox"/> Torts <input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Intentional Tort <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input checked="" type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Other	
Case: <u>24CI1:19-cv-00091</u> Document #: <u>1</u> Filed: <u>01/10/2019</u> Page <u>1</u> of <u>2</u>					



02/21/2019 THU 13:01 FAX 2288654009 Circuit Court

013/025

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT, CITY OF \_\_\_\_\_

Docket No. \_\_\_\_\_ - \_\_\_\_\_ Docket No. If Filed  
 File Yr Chronological No. Clerk's Local ID Prior to 1/1/84 \_\_\_\_\_

**DEFENDANTS IN REFERENCED CAUSE - Page 1 of 1 Defendants Pages  
 IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET**

**Defendant #2:**

Individual: Medina Lucio ( Δ ) Jr/Sr/III/IV  
Last Name First Name Maiden Name, if Applicable Middle Init.

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:  
 Estate of \_\_\_\_\_

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:  
 D/B/A \_\_\_\_\_

Business \_\_\_\_\_  
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:  
 D/B/A 4106 Washmon Street, Harlingen, TX 78552

ATTORNEY FOR THIS DEFENDANT: \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) \_\_\_ Not an Attorney(✓) \_\_\_

**Defendant #3:**

Individual: \_\_\_\_\_ ( \_\_\_\_\_ ) \_\_\_\_\_  
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:  
 Estate of \_\_\_\_\_

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:  
 D/B/A \_\_\_\_\_

Business \_\_\_\_\_  
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:  
 D/B/A \_\_\_\_\_

ATTORNEY FOR THIS DEFENDANT: \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) \_\_\_ Not an Attorney(✓) \_\_\_

**Defendant #4:**

Individual: \_\_\_\_\_ ( \_\_\_\_\_ ) \_\_\_\_\_  
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:  
 Estate of \_\_\_\_\_

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:  
 D/B/A \_\_\_\_\_

Business \_\_\_\_\_  
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_ Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:  
 D/B/A \_\_\_\_\_

ATTORNEY FOR THIS DEFENDANT: \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) \_\_\_ Not an Attorney(✓) \_\_\_

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

**LINO ARAUJO****PLAINTIFF****VERSUS****CAUSE #****A2401-19-1****LA JOYA TRUCKING,  
LUCIO AGUILERA MEDINA****DEFENDANTS**


---

**S U M M O N S**

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**THE STATE OF MISSISSIPPI  
COUNTY OF HARRISON**

**TO: Lucio Aguilera Medina  
4106 Washmon Street  
Harlingen, TX 78552  
(or wherever he may be found)**

**NOTICE TO DEFENDANT**

**THE COMPLAINT, INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS WHICH ARE ATTACHED TO THIS SUMMONS ARE IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

**You are required to mail or hand-deliver a copy of a written response to these pleadings to David Pitre, the attorney for the Plaintiff(s), whose street address is 1303 Spring Street, Gulfport, Mississippi 39507. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.**

**You must also file the original of your response with the Clerk of Court within a reasonable time afterward.**

**Issued under my hand and the seal of said Court, this 10<sup>th</sup> day of January, 2019.**

**CONNIE LADNER, CIRCUIT CLERK  
HARRISON COUNTY**  
(Seal)

**Connie Ladner**  
Clerk of Harrison County, Mississippi

**PO BOX 998  
GULFPORT, MS 39502**  
Case: 24CI1:19-cv-00091-MS-39502 Document #: 3 Filed: 01/10/2019 Page 2 of 2

**PROOF OF SERVICE - SUMMONS**  
(Process Server)

\_\_\_\_\_  
Name of Person or Entity Served

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

           **FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE.** By mailing (by first class mail, postage prepaid), on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, copies to the person served, together with copies of the form of notice and acknowledgment, and return envelope, postage prepaid, addressed to the sender (Attached completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B).

           **PERSONAL SERVICE.** I personally delivered copies to \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, where I found said person(s) in \_\_\_\_\_ County of the State of \_\_\_\_\_.

           **RESIDENCE SERVICE.** After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ County, State of \_\_\_\_\_. I served the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, at the usual place of abode of said person by leaving a true copy of the summons and complaint with \_\_\_\_\_ who is the \_\_\_\_\_, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, a copy of the summons and complaint was mailed by first class mail, postage prepaid by (process server or legal secretary) to the person served at his or her usual place of abode where the copies were left.

           **CERTIFIED MAIL SERVICE.** By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attached signed return receipt or the return envelope marked "Refused").

At the time of service, I was at least 18 years of age and not a party to this action.

Fee for Service \$ \_\_\_\_\_

Process Server must list below: [Please print or type]

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named \_\_\_\_\_ who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

\_\_\_\_\_  
PROCESS SERVER

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public

(Seal) Case: 24CI1:19-cv-00007 Document #: \_\_\_\_\_ My Commission Expires \_\_\_\_\_ Page 2 of 2

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

**LINO ARAUJO****PLAINTIFF****VERSUS****CAUSE #**A2401-19-7**LA JOYA TRUCKING,  
LUCIO AGUILERA MEDINA****DEFENDANTS**

**S U M M O N S**

**THE STATE OF MISSISSIPPI  
COUNTY OF HARRISON**

**TO: La Joya Trucking, LLC  
c/o its Registered Agent, Nicandro Garcia  
1661 Tulane  
Brownsville, TX 78520  
(or wherever he may be found)**

**NOTICE TO DEFENDANT**

**THE COMPLAINT, INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS WHICH ARE ATTACHED TO THIS SUMMONS ARE IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

**You are required to mail or hand-deliver a copy of a written response to these pleadings to David Pitre, the attorney for the Plaintiff(s), whose street address is 1303 Spring Street, Gulfport, Mississippi 39507. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.**

**You must also file the original of your response with the Clerk of Court within a reasonable time afterward.**

**Issued under my hand and the seal of said Court, this 10th day of January, 2019.**

**CONNIE LADNER, CIRCUIT CLERK**

**HARRISON COUNTY**

**PO BOX 998  
GULFPORT, MS 39502**

**Clerk of Harrison County, Mississippi**

(Seal)

Case: 24CI1:19-cv-00091 Document #: 2 Filed: 01/10/2019 Page 1 of 2

**PROOF OF SERVICE - SUMMONS**  
(Process Server)

Name of Person or Entity Served \_\_\_\_\_

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

           **FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE.** By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment, and return envelope, postage prepaid, addressed to the sender (Attached completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B).

           **PERSONAL SERVICE.** I personally delivered copies to \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, where I found said person(s) in \_\_\_\_\_ County of the State of \_\_\_\_\_.

           **RESIDENCE SERVICE.** After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ County, State of \_\_\_\_\_. I served the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, at the usual place of abode of said person by leaving a true copy of the summons and complaint with \_\_\_\_\_ who is the \_\_\_\_\_, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, a copy of the summons and complaint was mailed by first class mail, postage prepaid by (process server or legal secretary) to the person served at his or her usual place of abode where the copies were left.

           **CERTIFIED MAIL SERVICE.** By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attached signed return receipt or the return envelope marked "Refused").

At the time of service, I was at least 18 years of age and not a party to this action.

Fee for Service \$ \_\_\_\_\_

Process Server must list below: [Please print or type]

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named \_\_\_\_\_ who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

\_\_\_\_\_  
PROCESS SERVER

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public

(Seal) Case: 24CI1:19-cv-00007 Document #: 12 My Commission Expires: 01/30/2019 Page 2 of 2

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT

LINO ARAUJO

PLAINTIFF

VS.

CAUSE #A2401-19-7

LA JOYA TRUCKING AND  
LUCIO AGUILERA MEDINA

DEFENDANTS

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CLERK'S CERTIFICATE

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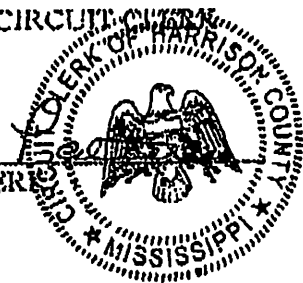
On behalf of Connie Ladner, Clerk of the Circuit Court of Harrison County, Mississippi, the undersigned hereby certifies that attached hereto are true and correct copies of all process, pleadings and orders on file and of record in Cause #A2401-19-7 of the Circuit Court of Harrison, Mississippi, said Cause being styled *Lino Araujo v. La Joya Trucking and Lucio Aguilera Medina*.

THIS, the 23 day of January, 2019.

CONNIE LADNER, CIRCUIT CLERK

By: Dora  
DEPUTY CLERK

(SEAL)





**PROOF OF SERVICE - SUMMONS**  
(Process Server)

La Joya Trucking, LLC  
Name of Person or Entity Served

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment, and return envelope, postage prepaid, addressed to the sender (Attached completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B).

✓ PERSONAL SERVICE. I personally delivered copies to La Joya Trucking, LLC on the 12 day of February, 2019, where I found said person(s) in Cameron County of the State of Texas.

RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ County, State of \_\_\_\_\_. I served the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, at the usual place of abode of said person by leaving a true copy of the summons and complaint with \_\_\_\_\_ who is the \_\_\_\_\_, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, a copy of the summons and complaint was mailed by first class mail, postage prepaid by (process server or legal secretary) to the person served at his or her usual place of abode where the copies were left.

CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attached signed return receipt or the return envelope marked "Refused").

At the time of service, I was at least 18 years of age and not a party to this action.

Fee for Service \$ \_\_\_\_\_

Process Server must list below: [Please print or type]

Name Jeremy Garate  
Address 1111 W. Lubiana Ave.  
McAllen, TX 78504  
Telephone No. (951) 960-3842

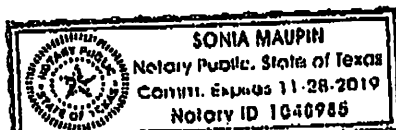
State of Texas  
County of Hidalgo

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Jeremy Garate who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

6/7  
PROCESS SERVER

Sworn to and subscribed before me this 13th day of Feb, 2019.

(Seal)



Sonia Maupin  
Notary Public  
My Commission Expires: \_\_\_\_\_

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

**LINO ARAUJO****PLAINTIFF****VERSUS****CAUSE #****12401-19-7****LA JOYA TRUCKING,  
LUCIO AGUILERA MEDINA****DEFENDANTS**


---

**S U M M O N S**

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**THE STATE OF MISSISSIPPI  
COUNTY OF HARRISON**

**TO: La Joya Trucking, LLC  
c/o its Registered Agent, Nicandro Garcia  
1661 Tulane  
Brownsville, TX 78520  
(or wherever he may be found)**

**NOTICE TO DEFENDANT**

**THE COMPLAINT, INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS WHICH ARE ATTACHED TO THIS SUMMONS ARE IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to these pleadings to David Pitre, the attorney for the Plaintiff(s), whose street address is 1303 Spring Street, Gulfport, Mississippi 39507. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 10th day of January, 2019.

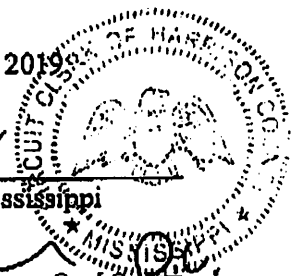
*Connie Ladner*  
Clerk of Harrison County, Mississippi

(Seal) **CONNIE LADNER, CIRCUIT CLERK**

Case: 24CI1:19-HARRISON COUNTY Document #: 6 Filed: 02/14/2019 Page 3 of 3

PO BOX 998

GULFPORT MS 39502



**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

LINO ARAUJO

CAUSE # A2401-19-7

VS

LA JOYA TRUCKING, LUCIO AGUILERAMEDINA

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## AFFIDAVIT

Before me, the undersigned authority, on this day personally appeared Jeremy Garate who after being duly sworn did upon oath state the following:

I am over the age of 18 years and I am fully competent to testify to matters stated in this affidavit.

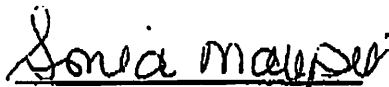
I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct.

On February 12, 2019, I served LA JOYA TRUCKING, LLC by serving it's REGISTERED AGENT: NICANDRO GARCIA a SUMMONS, NOTICE TO DEFENDANT, COMPLAINT, INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS at 1661 TULANE, BROWNSVILLE, TEXAS.

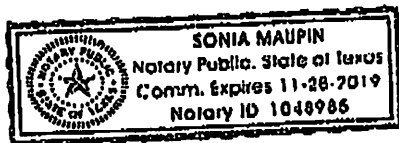
  
\_\_\_\_\_  
Jeremy Garate

Before me, a notary public, on this day personally appeared Jeremy Garate known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared under oath that the statements therein contained are true and correct.

Given under my hand and seal of office this 13th day of Febs. 2019

  
\_\_\_\_\_  
Sonia Maupin

Notary Public



**PROOF OF SERVICE - SUMMONS**

(Process Server)

Lucio Aquilera Medina  
Name of Person or Entity Served

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment, and return envelope, postage prepaid, addressed to the sender (Attached completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B).

☒ PERSONAL SERVICE. I personally delivered copies to \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, where I found said person(s) in \_\_\_\_\_ County of the State of \_\_\_\_\_.

☒ RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within Cameron County, State of Texas. I served the summons and complaint on the 12 day of February, 2019, at the usual place of abode of said person by leaving a true copy of the summons and complaint with Megan Wright who is the daughter-in-law, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the 14<sup>th</sup> day of February, 2019, a copy of the summons and complaint was mailed by first class mail, postage prepaid by (process server or legal secretary) to the person served at his or her usual place of abode where the copies were left.

CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attached signed return receipt or the return envelope marked "Refused").

At the time of service, I was at least 18 years of age and not a party to this action.

Fee for Service \$ \_\_\_\_\_

Process Server must list below: [Please print or type]

Name Jeremy Garate  
Address 1111 W. Solana Ave  
McAllen, Tx 78501  
Telephone No. (956) 960-3842

State of TEXAS  
County of MIDLAND

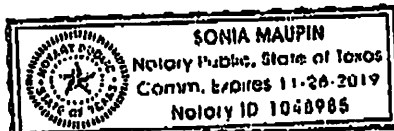
Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Jeremy Garate who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

[Signature]  
PROCESS SERVER

Sworn to and subscribed before me this 13<sup>th</sup> day of Feb., 2019.

[Signature]  
Notary Public  
My Commission Expires: \_\_\_\_\_

(Seal)



**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

LINO ARAUJO

PLAINTIFF

VERSUS

CAUSE #

A2401-19-7

**LA JOYA TRUCKING,  
LUCIO AGUILERA MEDINA**

DEFENDANTS

**S U M M O N S**

**THE STATE OF MISSISSIPPI  
COUNTY OF HARRISON**

**TO: Lucio Aguilera Medina  
4106 Washmon Street  
Harlingen, TX 78552  
(or wherever he may be found)**

**NOTICE TO DEFENDANT**

**THE COMPLAINT, INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS WHICH ARE ATTACHED TO THIS SUMMONS ARE IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to these pleadings to David Pitre, the attorney for the Plaintiff(s), whose street address is 1303 Spring Street, Gulfport, Mississippi 39507. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 10<sup>th</sup> day of January, 2019.

(Seal)

*Connie Ladner*  
Clerk of Harrison County, Mississippi  
*Walter M. M... 12.0*  
CONNIE LADNER, CIRCUIT CLERK  
HARRISON COUNTY, MISSISSIPPI  
GULFPORT, MS 39502

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

LINO ARAUJO

CAUSE # A2401-19-7

VS

LA JOYA TRUCKING, LUCIO AGUILERA MEDINA

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**AFFIDAVIT**

Before me, the undersigned authority, on this day personally appeared Jeremy Garate who after being duly sworn did upon oath state the following:

I am over the age of 18 years and I am fully competent to testify to matters stated in this affidavit.


I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct.

On February 12, 2019, I served LUCIO AGUILERA MEDINA by serving MEGAN WRIGHT who is above 16 years of age a SUMMONS, NOTICE TO DEFENDANT, COMPLAINT, INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS at 4106 WASHMON STREET, HARLINGEN, TEXAS.

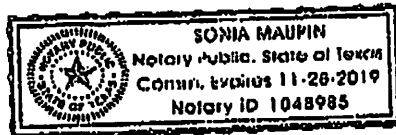
  
Jeremy Garate

Before me, a notary public, on this day personally appeared Jeremy Garate known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared under oath that the statements therein contained are true and correct.

Given under my hand and seal of office this 13<sup>th</sup> day of Feb., 2019



Notary Public





**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

**LINO ARAUJO**

**PLAINTIFF**

**VERSUS**

**CAUSE # A2401-19-7**

**LA JOYA TRUCKING,  
LUCIO AGUILERA MEDINA**

**DEFENDANTS**

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**PLAINTIFF'S NOTICE OF SERVICE OF DISCOVERY PLEADINGS**

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**NOTICE** is hereby given, pursuant to the Uniform Local Rule, that plaintiff, Lino Araujo, on February 12, 2019 served on defendants, La Joya Trucking and Lucio Aguilera Medina, with the Complaint in the above entitled action:

1. Interrogatories Propounded to Defendant, La Joya Trucking;
2. Request For Production of Documents Propounded to Defendant, La Joya Trucking;
3. Interrogatories Propounded to Defendant, Lucio Aguilera Medina; and
4. Request for Production of Documents Propounded to Defendant, Lucio Aguilera Medina.

The undersigned retains the originals of the above papers as custodian thereof pursuant to Uniform local Rule.

**RESPECTFULLY SUBMITTED** this 14<sup>th</sup> day of February, 2019.

**SILBERT, PITRE & FRIEDMAN**

**s/DAVID PITRE**

**DAVID PITRE (MS Bar #99388)  
1303 Spring Street  
Gulfport, Mississippi 39507  
Telephone: (228) 822-2404  
Fax: (228) 822-9942  
Email: [david@spflawyers.com](mailto:david@spflawyers.com)  
Attorney for Plaintiff**